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4/21/2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Focused.Comment on Modernizing the E-rate Program for Schools and Libraries WC Docket No. 13-184

Dear Secretary Dortch:

The E-rate Program provides critical support for digital learning and public access to online information through America's libraries. For this reason, the Kentucky Department for Libraries & Archives (KDLA) supports the comments of the American Library Association (ALA) in response to the recent Public Notice Seeking Focused Comment on E-rate Modernization. As our most important priorities, we ask the Federal Communications Commission (FCC) to move quickly to fund demonstration projects and increase the availability of Priority 2 (P2) funding.

KDLA actively supports public library service in all 120 counties in the Commonwealth of Kentucky. These public libraries serve the state's population of 4.39 million residents. More than three-fourths of the state's libraries participate in the E-rate program. KDLA provides assistance and training to directors, staff and trustees of the 92 Kentucky library applicants to ensure they benefit from the E-rate program and comply with program rules.

74.4% of Kentucky libraries offer the only no-fee computer and internet access in their communities, more than 12% above the national average.[1] Unfortunately, only 54% of rural Kentuckians have access to broadband at home, making Internet access a particularly valuable service at the Commonwealth's 99 rural

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[1] *See* Public Funding & Library Technology Access Survey, State Summary Data p. 62, *available at* http://www.ala.org/research/sites/ala.org.research/files/content/initiatives/plftas/2011_2012/plftas12_statetables.pdf (last visited April 16, 2014).

libraries.[2] A recent study by the University of Kentucky found that only 18 of the state's 120 counties are nationally competitive in terms of broadband availability and adoption.[3]

E-rate has provided crucial financial support for connecting Kentucky's libraries and communities to a wealth of internet-enabled resources and services. A recent data-sharing project between the Institute for Museum and Library Services (IMLS) and the FCC revealed that more than 90% of U.S. public libraries have benefitted from the E-rate program, with an average participation rate of 63% to 73% nationwide.[4] In Kentucky, 95% of libraries have participated in the E-rate program since its inception. State results mirror the IMLS findings in another significant way; program participation has doubled since the onset of the Great Recession in 2008.

ALA proposes that all libraries serving a population of less than 50,000 have a broadband capacity of at least 100 Mbps, and those serving populations of 50,000 or greater have 1 Gbps speeds. 18 of Kentucky's 120 libraries serve populations of more than 50,000, and have recently participated in the E-rate program. Three of those libraries currently have connectivity of 1 Gbps. The remaining 15 libraries have an average speed of 30 Mbps.

85% of Kentucky's libraries provide service to populations under 50,000. The average connection speed of this subset of libraries participating in the E-rate program is 20 Mbps, and 21% have a connection of less than 10 Mbps. However, it is likely that the 21 libraries not participating in the E-rate program, including some of the state's smallest, also lack broadband capacity. Only one of the state's rural libraries has achieved speeds of 1 Gbps.

Action is urgently needed to ensure that Kentuckians have access to broadband speeds that support their needs. With targeted investments in key areas, the E-rate program can help libraries achieve adequate broadband capacity for the future. KDLA strongly supports ALA's recommendations to designate funding for demonstration projects and to increase access to Priority 2 funding. These proposals will help create a relevant, modern E-rate program that increases broadband capacity in libraries across Kentucky and the nation.

Demonstration Projects

ALA proposed a variety of demonstration projects, all of which have the potential to transform access to broadband and provide data and evaluation to improve program performance. KDLA strongly supports two proposals in particular.

School-Library Wide Area Network Partnerships

The school-library wide area network proposal generated a great deal of interest in an informal survey of library IT staff. KDLA supports this proposal, noting the incredible potential benefits to small, rural libraries. However, possible barriers to this approach do exist. In a climate of increased scrutiny, local school boards could be unwilling to deviate from a narrow interpretation of their mission.

In particular, KDLA registers concern about possible CIPA issues. If a library is unable to lift the technology protection measure due to a district applying its filter at the end of the pipe, it could open the library to as-

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[2] *See* Exploring the Digital Nation, Table B5: Home Broadband Use in Urban and Rural Areas by State, p. 57, *available at* http://www.ntia.doc.gov/report/2013/exploring-digital-nation-americas-emerging-online-experience (last visited April 16, 2014).

[3] *See* The Internet in Kentucky: Life in the Slow Lane, *available at* http://cber.uky.edu/Downloads/CBER%20Issue%20Brief%209%20BB%20in%20KY.pdf (last visited April 16, 2014).

[4] *See* New Data: More Than 90% of U.S. Public Libraries Have Used E-rate, *available at* http://blog.imls.gov/?p=4778 (last visited April 18, 2014).

applied legal challenges. In the Supreme Court decision upholding CIPA, Justice Kennedy concluded, "If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge"[5].

KDLA has already noted that an estimated 64% of the state's public libraries lack in-house IT staff. The ability to join a school district's wide area network and take advantage of improved network management could provide a significant return on investment for the state's smallest libraries.

Network Diagnostics and Technical Support

KDLA enthusiastically supports this proposal, having direct experience with successful interventions of increased technical support. KDLA was the prime recipient of a Broadband Technology Opportunities Program (BTOP) Public Computing Center (PCC) grant. Combined with support from the Bill and Melinda Gates Foundation, $1.74 million in grant funds enabled 46 public library sub-recipients to purchase over $1 million in much-needed network and end-user equipment.

In addition to equipment purchases, sub-recipients benefitted from multiple on-site visits from a technical consultant from Pomeroy IT Solutions, Inc. The consultant visited all 46 project libraries, performed needs assessments and recommended individualized solutions based on existing infrastructure in collaboration with library staff. These services were especially beneficial to the many sub-recipients that lacked dedicated IT staff or regular contracts for IT support. In several cases, libraries with limited expertise entered into contracts for IT support for the first time, resulting in dramatic service improvements.

KDLA is perfectly positioned to provide deep local knowledge of Kentucky's public libraries and offer insight into state and regional procurement and policy priorities. This program aligns with KDLA's strategic plan, and builds on expertise developed and refined during the BTOP grant. For these reasons, KDLA supports ALA's proposal that a portion of the $2 billion identified by the Commission be designated for a network assessment and technical support demonstration project.

Priority 2 Services

Kentucky's public libraries would benefit greatly from increased availability of Priority 2 (P2) funding. The average Kentucky public library building was built in 2000, and a third of the state's buildings were constructed in 1999 or earlier[6]. These older structures could require significant investments in Internal Connections to achieve the broadband targets proposed by ALA.

Between FY2008 and FY2013, funding commitments for the state's public libraries totaled $5,413,492.59. During the five-year same period, less than ½ of 1% of the total, or $20,311.06, was committed for Priority 2 services. If barriers to P2 funding were removed and funds were available below the 90% discount level, adoption rates for high-speed broadband have the potential to increase significantly.

Only four of the 92 Kentucky libraries participating in E-rate have been allocated P2 funding in the past five years. With this in mind, KDLA strongly supports ALA's model for P2 fund distribution as equitable and sustainable. It also has the potential to be easily comprehensible to libraries without prior experience applying for P2 funding.

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[5] *See* UNITED STATES V. AMERICAN LIBRARY ASSN., INC. (02-361) 539 U.S. 194 (2003) 201 F. Supp. 2d 401, reversed. *Available at* http://www.law.cornell.edu/supct/html/02-361.ZS.html (last visited April 21, 2014).
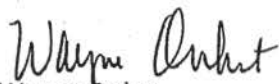[6] Email message from State Construction Consultant, KDLA, received September 12, 2013.

KDLA supports the initial comments filed by the ALA. These proposals lay a strong foundation for E-rate modernization and library broadband capacity. We want to focus particular attention to the following recommendations:

- Ensuring that E-rate modernization leads to increased broadband capacity. In particular, KDLA supports the proposed broadband targets of 100 Mbps for libraries serving populations under 50,000, and 1 Gbps for libraries serving populations over 50,000.
- Creating a demonstration project to assess the benefits of school-library wide area network partnerships. This approach could provide enormous return on investment for the state's smallest and most under-funded libraries. However, the question of content filtering would require careful attention to ensure that libraries are not subject to as-applied legal challenges.
- Leveraging lessons learned from BTOP grant technical assistance to create a demonstration project guaranteed to increase library broadband capacity. KDLA is poised to facilitate a program to increase the effectiveness of the federal E-rate investment while improving both local partnerships and the consistency and quality of library service in Kentucky's communities.
- Skyrocketing WiFi use means that library network needs are changing rapidly. Anecdotal reports concur with ALA's findings that libraries are operating in a 1:2 environment where patron devices outnumber those owned by the library.
- Ensuring access to P2 funds to achieve proposed broadband targets. KDLA supports ALA's model for P2 funding distribution as equitable, sustainable, and understandable to applicants.
- Phasing out voice services over time, and providing at least one year's notice before any action is taken. Historically, nearly one quarter of Kentucky public libraries' E-rate commitments have supported POTS.

The Commonwealth's public libraries represent an investment in lifelong learning and Internet access for all, especially for the 54% of Kentuckians who lack home broadband access. KDLA and libraries across Kentucky stand ready to fulfill the nation's Universal Service goals through a modernized E-rate program. Thank you for the opportunity to comment and for your consideration of our recommendations.

Respectfully submitted,

Wayne Onkst
State Librarian and Commissioner
Kentucky Department for Libraries and Archives